

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
September 25, 2002**

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Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

PA1 Cert. of Apprec./Kevin Perkins & Scarlet Molina-Urrego, "At Your Service Awards."
PA2 Cert. of Apprec./Antoinette Zel, Bringing MTV Video Music Awards Latino America to TOPA. (Bower)
PA3 Proclamation/Establishing "Hispanic Heritage Month" Sept. 15 - Oct. 15, 2002. (Bower)
PA4 Proclamation/In Honor & Memory of Composer Chabuca Granda. (Bower)
PA5 Cert. of Apprec./Larry Edwards, Helped Officer Neumann Subdue a Dangerous Felon. (Dermer)
PA6 Cert. of Apprec./Marta Hampton, Retiring After 17 Years of Service to CMB. (Cruz)
PA7 Cert. of Apprec./C. Martinez, 1st Hispanic, Cuban-American Gen. Appointed in the Air Force. (Dermer)

C2A W-BA 20-01/02, Inspection/Testing & Maintenance of City's Fire Equipment, \$80,000.
C2B Issue P.O., Purchase (2) 2003 Ford F-250 Cab & Chassis Trucks, \$35,688.10.
C2C Award P.O., Purchase Folding Chairs/Storage Trucks & Support Stands for MBCC, \$319,955.
C2D BA 27-01/02, Sidewalk Construction, Striping of City Streets & Parking Lots, \$1,494,277.50.

C4A Ref. Community Affairs Committee - Special Events Permits Requirements & Guidelines.
C4B Ref. Finance & Citywide Projects Committee - City Hall Parking Expansion Garage.
C4C Ref. Community Affairs Comm. - Placement of Bench/Plaque in Memory of C. Hill-Veile. (Bower)

C6A Report: G.O. Bond Oversight Committee Meeting of September 9, 2002.

C7A Submit Grant Application, Miami-Dade County - Tourist Development Council.
C7B Execute 2nd Amendment, Design of West Avenue/Bay Road Neighborhood Improvements.
C7C Accept Recomm., Design Services for Upgrade to Sound & Lighting Systems for TOPA.
C7D Renew Agmt w/ KPMG, Auditing Services for FY 2002-2005.
C7E Waive Competitive Bidding, Purchase Golf Course Maintenance Equipment. **5/7**
C7F Donate (3) 1996 Crown Victoria Police Pursuit Vehicles to MDCC School of Justice.
C7G Amend Resolution, Expand Parking on 11th Street Between Meridian Ave. & Alton Road.
C7H Appropriate Funds, Construction of Sunset Harbour Drainage Structures Modifications.
C7I Ratify Award of Contract, Replace 20" Water Main Hangers at MacArthur CSWY East Bridge.

C7J Accept Recomm. of Fin. & Citywide Projects Comm., Approve Use of Miami-Metro Vending.
C7K Amend Professional Service Agmt, Construction Mgmt of Colony Theater Renovation Project.
C7L Approve Amendments to the One-Year Action Plans for Federal Funds. **A**

R5A **10:35 a.m. 2nd Rdg**, Amend Normandy Shores Local Gov't Neighborhood Improvement District.
R5B **10:50 a.m. 2nd Rdg**, Amend "Employees' Benefit Plan," City's Contribution to the Health Plan.
R5C **2:00 p.m. 1st Rdg**, 2002 Comprehensive Plan Amendments.
R5D **1st Rdg**, Amend No. 1605, Unclassified Employees Salary Ordinance (Classifications).

R6A Verbal Report: Finance & Citywide Projects Committee Meeting of September 19, 2002.
R6B Verbal Report: Joint G.O. Bond Oversight & Finance & CWP Committee Mtg of Sept. 23, 2002.

R7A **Joint**, Execute 2nd Supplemental Agmt, Remaining Infrastructure Improvements on SSDI-North.
R7B **Joint**, Approve 1st Amendment to Parking Facility Mgmt/Operation Agmt, MB Marina. **/SM**
R7C **Joint**, Execute Professional Services Agmt, Complete South Point ROW Improvement Project.
R7D **10:30 a.m.** Approve Proposed Uses, Local Law Enforcement Block Grant Funds for 2003.
R7E **11:00 a.m.** Establish Maximum Schedule of User Rates for the Bayshore Golf Course.
R7F Renew Service Agmt w/ BFI, Collection and Disposal of Residential Solid Waste.
R7G Approve Settlement w/ PNM Corp., Execute Any & All Necessary Documents.

R9A **2:30 p.m.** Board and Committee Appointments.
R9B **11:30 a.m.** Disc. Design Review Process. (Garcia)
R9C Disc. Reso re: Painting Exterior Walls of Biscayne Elementary School Main Bldg. (Smith)

REPORTS AND INFORMATIONAL ITEMS

A Status Report on Dialogue with RDP Royal Palm Crowne Plaza.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

3A **Joint**, Execute 2nd Supplemental Agmt, Remaining Infrastructure Improvements on SSDI-North.
3B **Joint**, Approve 1st Amendment to Parking Facility Mgmt/Operation Agmt, MB Marina. **/SM**
3C **Joint**, Execute Professional Services Agmt, Complete South Point ROW Improvement Project.
3D Approp. Revenue Funds, Infrastructure Improvements in City Center & South Pointe Areas.
3E Adopt/Appropriate, Operation of Parking Component of Anchor Shops & Parking at S. Beach.

Called to order at 9:20:17 a.m.

Inspirational Message given by Rabbi Neal Turk of Beth Israel Congregation
Pledge of Allegiance led by Chief De Lucca
Requests for Additions, Withdrawals, and Deferrals

City Clerk's Note:
Addendum Materials: C7L
Supplemental Materials: R7B and RDA 3B

PA - Presentations and Awards

- PA1 Certificates Of Appreciation To Be Presented To Kevin Perkins, Planning Department, And Scarlet Molina-Urrego, Code Compliance Division, In Recognition Of The "At Your Service Awards" For The Months Of August And September 2002.
(City Manager's Office)

ACTION: Certificates presented.

- PA2 Certificate Of Appreciation To Be Presented To Antoinette Zel, President Of MTV Latin America, For Her Efforts In Bringing MTV Video Music Awards Latino America To The Jackie Gleason Theater.
(Requested By Commissioner Matti Herrera Bower)
(Deferred From July 31, 2002)

ACTION: Certificate presented.

City Clerk's note: the Certificate was awarded to Ms. Zel for being named one of the top 100 Hispanic women in the Country.

9:25:55 a.m.

- PA3 Proclamation Establishing The One-Month Period Beginning September 15, 2002 And Ending October 15, 2002 As "Hispanic Heritage Month" In The City Of Miami Beach.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, requested that a group of staff members accept the proclamation. He stated that these staff members have been working hard organizing a series of activities to celebrate Hispanic Heritage Month, including a celebration on October 10, 2002 with typical Hispanic food to share our diversity. The Manager announced that the October Second Thursday monthly arts calendar will have a kick off ceremony at 5:30 p.m. on the fourth floor at City Hall with an art exhibit of Hispanic artists. Jorge Gonzalez, City Manager, congratulated the staff for taking the initiative to organize these events and make Hispanic Heritage Month something special.

Commissioner Bower stated that she was happy to see a diverse staff involved in this because we should value our ethnicity and leaving together, since living together is what makes this City the vibrant City that it is.

The proclamation was accepted by some of the members of the Hispanic Heritage Festival Committee: Liliam Hatfield, Sylvia Prieto, Kerry Hernandez, Merci Williams, Cristina Fernandez, Cynthia Neves, Maria E. Martinez, Ramiro Inguanzo, Nannette Rodriguez, Janet Lopez, Carlos DaCruz.

- PA4 Proclamation To Be Presented In Honor And Memory Of Composer Chabuca Granda.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Proclamation presented.

Commissioner Smith stated that he is a personal friend of the family and that when Chabuca Granda died it was a day of mourning in Lima, Peru and the funeral was attended by hundreds of thousands of people.

- PA5 Certificate Of Appreciation To Be Presented To Larry Edwards, A Citizen Who Helped Officer Wally Neumann Subdue A Dangerous Felon, And Preserve The Safety Of Numerous Citizens.
(Requested By Mayor David Dermer)

ACTION: Certificate presented.

- PA6 Certificate Of Appreciation To Be Presented To Marta J. Hampton, For Retiring After 17 Years Of Service To The City Of Miami Beach.
(Requested By Commissioner Simon Cruz)

ACTION: Certificate presented.

City Clerk's Note: 21 years.

- PA7 Certificate of Appreciation To Be Presented To Carlos E. Martinez, The First Hispanic, Cuban-American General Appointed In The Air Force.
(Requested By Mayor David Dermer)

ACTION: Certificate presented.

New Item:

- PA8 Certificate Of Appreciation To Be Presented to Salvador "Chewy" Behar For Providing Uniforms To Public and Private School Children of Miami Beach for 17 years.

ACTION: Certificate presented.

New Item:

PA9 Certificate Of Appreciation To Be Presented to Christina M. Cuervo, Assistant City Manager, upon her Leaving the City of Miami Beach.

ACTION: Certificate presented.

Mayor Dermer stated that Christina Cuervo has been extraordinarily competent in her position. Christina is going to be tremendously missed and her shoes are going to be very hard to fill because she has dealt with complex and heavy issues in the City. Mayor Dermer added that he could not say enough as to how great Christina has been.

Vice-Mayor Steinberg stated that Christina has been a true asset to him and his colleagues. He told Christina that he hopes her cell phone will be on, because he will call her from time to time with questions.

Robert Parcher, City Clerk, stated that he had worked with Christina in the City of Miami as well, when she came over it made him very happy, because he knew the quality of the individual and the integrity of the person. It is very sad to see her leave, but he wishes her well and she will succeed in anything she ever tries.

Murray Dubbin, City Attorney, stated that due to the nature of the work, he has worked very closely with Christina. He also stated that he hopes her cell phone is on because there will be a lot of continuing questions. He did not want to say "good-bye" but "au revoir"

Commissioner Bower stated that this is a great loss for the City. Christina has been a role model for every one here. Commissioner Bower also stated that she is glad Christina is getting a proclamation during Hispanic Heritage Month because Christina makes us proud as a woman, as Hispanic and as a person. Christina always does the best she can; it just happens that her best is great.

Commissioner Cruz stated that Christina's wit, charm, and intellect would be missed. He added that she has been a guiding light during these past difficult years. He added that Christina did her job with joy and grace and will be very missed.

Commissioner Smith stated that he would borrow a couple of words he had heard used before; sophisticated elegance. These two words exemplify everything Christina is, aside from her competence and integrity. He also stated that he has worked closely with Christina negotiating difficult issues for the City, such as the Convention Development Tax and she negotiated the City's position (along with the Manager) to the best of her ability. He stated that he would put Christina along with anyone both in the private and public sector. He thinks she is the greatest.

Commissioner Garcia stated that Christina's performance speaks for itself. He added that Christina's departure would leave a big void in the City. Commissioner Garcia considers himself proud to have worked with her and to be her friend. He told her that in the spirit of Hispanic Heritage "Vaya con Dios."

Commissioner Gross stated that he really respects Christina's intellect and brainpower. He said that she had put that to good use and saved the taxpayers a lot of money in a lot of the private negotiations that she has conducted on the City's behalf. Commissioner Gross added that anyone that has come in contact with Christina, including the people in the private sector she has negotiated with, have a great deal of respect for her and have good things to say about her.

Jorge Gonzalez, City Manager, stated that since he came to Miami Beach, he has formed a very successful and enjoyable partnership with Christina. He said that he would feel fortunate if he could

find another employee like Christina. He also stated that Christina is a true professional in every sense of the word. He wishes her good luck in everything she does.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Cruz.

C2 - Competitive Bid Reports

- C2A Request For Approval To Award Simplex Grinnell LP. As The Primary Vendor For The Following Services: 1) Inspection, Testing And Maintenance Of The City's Dry Chemical Fire Extinguishers, Halon Fire Control Systems And The Fire Alarm Systems; 2) The Inspection, Testing And Maintenance Of The Fire Sprinkler Systems In The Estimated Annual Amount Of \$80,000; Additionally, Request For Approval To Award A Contract To Miami Fire Equipment As The Secondary Vendor To Be Utilized Only In The Event That The Primary Vendor Fails To Perform Pursuant To The Requirements Of Invitation To Bid No. 20-01/02.
(Public Works)

ACTION: Withdrawn.

- C2B Request For Approval To Issue A Purchase Order Pursuant To State Of Florida Contract No. 01-09-0905, To Duval Ford, For The Purchase Of Two (2) 2003 Ford F-250 4 X 2 Cab & Chassis Trucks In The Amount Of \$35,688.10.
(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

- C2C Request For Approval To Award A Purchase Order To Virco Inc. In The Amount Of \$319,955 Pursuant To State Of Florida Contract No. 420-420-02-1, Educational/Institutional Furniture (Special Quote 900358) For The Purchase Of 4,000 Folding Chairs, 125 Storage Chair Trucks, And 100 Floor Support Stands For The Miami Beach Convention Center.
(Cultural Affairs & Tourism)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Doug Tober to handle.

10:22:02 a.m.

C2D Request For Approval To Award Contracts Pursuant To Bid No. 27-01/02, As Follows: Group I: F & L Construction, Inc., For An Annual Not To Exceed Amount Of \$107,900 For Concrete Curbing/ Sidewalk Construction; Group II: H & J Asphalt Inc., For An Annual Not To Exceed Amount Of \$1,296,450 For Asphalt Concrete/Related Materials; Group III A H & J Asphalt Inc For An Annual Not To Exceed Amount Of \$50,295 For Striping Of City Streets; And Group III B: MEF Construction, Inc., For An Annual Not To Exceed Amount Of \$39,632.50 For Striping Of City Parking Lots.
(Public Works)

ACTION: Item separated for discussion by Jorge Gonzalez, City Manager. Award approved.

Motion made by Commissioner Gross to approve the award with the understanding that the Administration will re-bid the asphalt portion of the bid (Group II); seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Gus Lopez to issue Purchase Order and re-bid the asphalt portion. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, recommended to award the contracts and instruct the Administration to bid the asphalt portion (Group II). He also stated that the City is not obligated to purchase any minimum amount and the contract can be canceled at any time. He also stated that the price of asphalt has increased because of the increase in petroleum.

Commissioner Garcia stated that he is concerned with the system when only one bidder bids for this type of contract. The City needs to attract more bidders in order to maximize the City's funds.

Gus Lopez, Procurement Director, stated that DemandStar bid notices are very misleading because they are sent to many companies; only 5% to 10% are true bidders who may have an interest in the project. The Procurement Department does not rely solely on DemandStar. For this project an ad was placed on the Small Business Administration (SBA) website. The City of Miami Beach is the only governmental agency other than the Federal government who advertises this website. In addition, his item was also advertised in the "Blue Book." There were also two 2) pre-bid conferences held in an effort to get vendor outreach and maximize vendor responses.

Jorge Gonzalez, City Manager, stated that on this bid the system may have failed, but the vendor outreach is working as demonstrated by the City's construction bid responses. The City is seeing much more interest and a lot more new contractors. Efforts in this area are being made and the Administration will continue to do better.

C4 - Commission Committee Assignments

- C4A Referral To The Community Affairs Committee - Discussion Regarding The Adoption Of Revisions To Special Events Permits Requirements And Guidelines.
(Cultural Affairs & Tourism)

ACTION: Item referred. Mayra Buttacavoli to place on the agenda. Tom Weschler to handle.

- C4B Referral To The Finance And Citywide Projects Committee – Discussion Regarding The City Hall Parking Expansion Garage And Intermodal Facility And The Convention Center Expansion And P-Lot Garage.
(City Manager's Office)

ACTION: Item referred. Patricia Walker to place on the agenda. Jorge Gomez and Tim Hemstreet to handle.

- C4C Referral To The Community Affairs Committee Regarding The Placement Of A Bench And Plaque In Memory Of Mrs. Currie Hill-Veile, Her Son Joe, And Her Unborn Son, In Lummus Park By The 13th Street Children's Playground.)
(Requested By Commissioner Matti Herrera Bower)

ACTION: Item referred. Mayra Buttacavoli to place on the agenda. Kevin Smith to handle.

City Clerk's Note: Correct spelling: Mrs. Currie-Hill Velie

C6 - Commission Committee Reports

- C6A Report Of The General Obligation Oversight Committee Meeting Of September 9, 2002: **1)** Status Report; **2)** Recommendation To City Commission: a) La Gorce Neighborhood ROW Infrastructure Improvement Project BODR; b) EDAW Additional Services For Flamingo Neighborhood; **3)** Informational Items: a) Updated Calendar Of Scheduled Community Design Workshops; And **4)** Change Order Report.

ACTION: Written report submitted.

Item 1.

A) The transformer that controls the traffic signals at 71 Street, Trouville Esplanade and Normandy Drive has been removed and the demolition of the Normandy Isle Park and Pool will begin soon.

B) The City's Debarment Committee and the Procurement Division are handling the debarment investigation for REG Architects. The South Shore Community Center construction documents are in the final stages of completion. The Committee would be notified with information pertaining to this issue.

C) The Bayshore Neighborhood Basis of Design Report (BODR) will be brought before the Committee in November.

D) The 42nd Street Streetscape project was discussed. The Committee passed a motion that the Administration had to bring the project back to the Committee before putting it out to bid, if the project had not previously been brought before the Committee. If the project had previously been brought before the Committee, the Administration could move forward with putting the project out to bid. **Tim Hemstreet to handle.**

Item 2.

A) Discussion with La Gorce Neighborhood residents regarding traffic calming measures on Pine Tree Drive, La Gorce Drive and Alton Road, north of 63 Street. Consensus on this issue could not be reached. The Committee approved a motion to recommend that the sidewalk the Administration recommends be placed on Cherokee Avenue be removed from the BODR and not be done.

The Committee made a motion to recommend that the Administration hold a community meeting to discuss the traffic calming issues north of 63rd Street (Pine Tree Drive, La Gorce Drive and Alton Road) and try to reach consensus and come back before the Committee for the October meeting. **Tim Hemstreet to handle.**

B) The Committee made a motion to recommend that the City Commission approve the BODR for the La Gorce Neighborhood Improvement project, as amended with regard to the sidewalk on Cherokee Avenue, and not including the traffic calming issue on Pine Tree Drive, La Gorce Drive and Alton Road, north of 63rd Street. **Tim Hemstreet to handle.**

C) The Committee approved the motion to recommend that the City Commission approve an amendment to the agreement with EDAW for the Flamingo Neighborhood Right of Way Improvement Project, in the amount of \$35,999 funded from GO Bond funds.

Item 3. A) Item not reviewed.

Item 4. The Administration informed the Committee of change orders that had been approved since the last meeting.

C7 - Resolutions

- C7A A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application To Miami-Dade County, Tourist Development Council In The Amount Of \$25,000 For The City's Annual Thanksgiving Day Parade; While Leveraging Previously Appropriated City Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To These Applications.
(Grants Management)

ACTION: Resolution No. 2002-24979 adopted. If awarded and accepted by the City, Patricia Walker to appropriate the funds. Mayra Diaz Buttacavoli to handle.

- C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Agreement Between The City Of Miami Beach And Glatting Jackson Kercher Anglin Lopez Rinehart For The Design Of West Avenue/Bay Road Neighborhood Improvements Increasing The Not To Exceed Fee By An Amount Of \$19,980 To Provide For Additional Design Services For Bay Road Stormwater Improvements Necessary To Support Related Streetscape Improvements And Authorizing The Appropriation Of Said Amount From The Series 2000 Stormwater Revenue Bond Fund.

(Capital Improvement Projects)

ACTION: Resolution No. 2002-24980 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

- C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 11-01/02, For Professional Design Services For Upgrade To The Sound And Lighting Systems For The Jackie Gleason Theater For Performing Arts (TOPA); Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Pelton March Kinsella, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Engineering Harmonics.

~~(Cultural Affairs & Tourism)~~
(Convention Center)

ACTION: Resolution No. 2002-24981 adopted. Doug Tober to handle.

- C7D A Resolution To Renew The Agreement For Auditing Services With KPMG For The Fiscal Year Ending September 30, 2002 And Establish Audit Fees For The Fiscal Years Ending September 30, 2002 Through 2005.

(Finance Department)

ACTION: Resolution No. 2002-24982 adopted. Patricia Walker to handle.

City Clerk's Note:

Funding 2002 = \$165,000, 2003 = \$170,500, 2004 = \$176,500, 2005 = \$181,000

- C7E A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, To Purchase Golf Course Maintenance Equipment Consisting Of One (1) Express Dual Rapid Facer Model 100 And Accessories To Kilpatrick Turf Equipment In The Amount Of \$32,500.

(Parks And Recreation)

ACTION: Resolution No. 2002-24983 adopted. Kevin Smith to handle.

- C7F A Resolution Authorizing The Donation Of Three (3) 1996 Ford Crown Victoria Police Pursuit Vehicles In "As Is" Condition To The Miami-Dade Community College School Of Justice.

(Fleet Management)

ACTION: Resolution No. 2002-24984 adopted. Drew Terpak to handle.

10:32:51 a.m.

- C7G A Resolution Amending Resolution No. 99-23225 By Expanding Parking Areas For Restricted Residential Permit Parking Zone Two (Flamingo Park) On 11th Street Between Meridian Avenue And Alton Road.

(Parking Department)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2002-24985 adopted. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice Vote: 6-0; Absent: Commissioner Cruz. Saul Frances to handle.

Commissioner Gross commended the City Manager for responding to some of the neighborhood complaints when the parking in Flamingo Park, adjacent to the pool and the tennis center, was changed because their parking had been restricted. This is one response from the Administration to increase available parking.

He stated that as far as the parking lot is concerned, it should not be considered a final solution regarding the hours of usage for this lot. He stated that 1) The City is using some of the residential spaces for its own vehicles and 2) There is not as much demand so early in the morning for the number of spaces being restricted for the pool and tennis court. He requested the Administration to continue monitoring. **Saul Frances and Kevin Smith to handle.**

Commissioner Gross asked if the City vehicles that park overnight in the lot could be relocated.

Jorge Gonzalez, City Manager, stated that the Administration would try to relocate the vehicles. **Saul Frances to handle.**

Commissioner Bower stated that the Administration should encourage City employees to "park and ride", similar to the efforts taken by the private businesses.

Vice-Mayor Steinberg stated additional parking needs to be found in the area rather than shifting parking spots around. He encouraged his fellow commissioners to join him in trying to find parking alternatives in that area.

Commissioner Bower stated that with the redesign of some of the streets, some of the parking is actually being lost because of the design of the sidewalks and swales.

- C7H A Resolution Authorizing The Appropriation Of \$384,000 From The Series 2000 Stormwater Bond Fund 428; And Authorizing The Award In The Amount Of \$384,000 To Tran Construction, Inc., Pursuant To Bid No. 61-01/02 For The Construction Of The Sunset Harbour Drainage Structures Modifications.

(Public Works)

ACTION: Resolution No. 2002-24986 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

- C7I A Resolution Ratifying The Award Of Contract By The City Manager To Grace & Naeem Uddin, Inc. For The Replacement Of 20" Water Main Hangers At MacArthur Causeway East Bridge.

(Public Works)

ACTION: Resolution No. 2002-24987 adopted. Fred Beckmann to handle.

City Clerk's Note:

Contract amount \$385,000

- C7J A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee In Approving The Use Of Miami-Metro Vending, Inc. On A Month-To-Month Basis Not To Exceed Six (6) Months To Allow The Administration To Review The Existing Terms And Conditions, And Possible Corporate Sponsorship Opportunities.

(Public Works)

ACTION: Resolution No. 2002-24988 adopted. Fred Beckmann to handle.

- C7K A Resolution Authorizing An Amendment In The Amount Of \$43,750 To The Professional Services Agreement Between The City Of Miami Beach And The State Of Florida, Department Of Management Services, For Construction Management Of The Colony Theater Renovation Project.

(City Manager's Office)

ACTION: Resolution No. 2002-24989 adopted. Tim Hemstreet to handle.

ADDENDUM:

- C7L A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving Substantive Amendments To The One Year Action Plans For Federal Funds Fiscal Years 1999/2000 And 2001/2002 By Reprogramming: \$19,672 Fiscal Year 1999/2000 Community Development Block Grant (CDBG) Funds; \$18,000 Fiscal Year 2000/01 Administrative CDBG Funds; \$5,000 Fiscal Year 2001/2002 CDBG Funds; And \$7,925 Emergency Shelter Grants (Esg) Funds For A Total Amount Of \$50,597; These Funds To Be Used To Increase The Amount Available Under The City's Current Contract With The Salvation Army, A Georgia Corporation For The Provision Of Emergency Shelter Beds; And Further Authorizing The Mayor And City Clerk To Execute A Second Amendment To The Agreement Between The City And The Salvation Army, A Georgia Corporation Reallocating And Authorizing Use Of Said Funds For The Provision Of Emergency Shelter Beds.
(Neighborhood Service)

ACTION: Resolution No. 2002-24990 adopted. Vivian Guzman to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****10:39:32 a.m.**

- R5A An Ordinance Amending Ordinance No. 93-2881, Which Created The Normandy Shores Local Government Neighborhood Improvement District ("District"), By Amending Section 4 Thereof By Removing The \$500 Annual Cap Per Parcel Of Property With Regard To The Levy Of Ad Valorem Taxes To Support The Implementation Of Improvements With Regard To The District; Providing For Repealer, Severability, And An Effective Date. **10:35 A.M. Second Reading, Public Hearing**
(City Attorney's Office)
(First Reading On September 11, 2002)

ACTION: Public Hearing held. **Ordinance No. 2002-3380 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

10:57:06 a.m.

- R5B An Ordinance Amending Chapter 78 Entitled "Personnel" By Amending Article II Entitled "Employees' Benefit Plan" By Amending Division 3 Thereof Entitled "Contributions" By Amending Section 78-81 Thereof Entitled "Group Health Insurance" And Section 78-82 Thereof Entitled "Health Maintenance Organization (HMO)" By Providing That The City's Contribution To The Health Plan For City Officers And Employees Shall Be Determined By The Amount Of Funds Available Each Year And Approved By The City Commission As Part Of The Annual City Budget; Providing For Repealer, Severability, Codification, And An Effective Date. **10:50 A.M. Second Reading, Public Hearing**
(Human Resources)
(First Reading On September 11, 2002)

ACTION: Public Hearing held. **Ordinance No. 2002-3381 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Smith; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. T.C. Adderly to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

2:32:06 p.m.

R5C An Ordinance Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Year 2000 Comprehensive Plan, As Amended, By Amending Policy 1.2 Of Objective 1: Land Development Regulations Of The Future Land Use Element To Allow Bed And Breakfast Establishments In The RM-1 Future Land Use Category Within The Flamingo Park Historic District; To Allow Offices In The I-1 Future Land Use Category; To Add Residential Office, Suite Hotels, And Bed And Breakfast Inns To The List Of Permitted Uses In The RM-1 Category Within The West Avenue Bay Front District Overlay; And To Add Residential Office To The RM-2 Category Within The West Avenue Bay Front District Overlay; And By Clarifying As "Other Uses" The Conditional Uses Which Are Required To Go Through A Public Hearing Process, And The Accessory Uses Which Are Required To Be Subordinate To The Main Use, As They May Be Permitted In Each Land Use Category; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies; Providing For Repealer, Severability, Inclusion In The Comprehensive Plan And An Effective Date. **2:00 P.M. First Reading, Public Hearing**

(Planning Department)

ACTION: Public hearing held. **Ordinance approved on First Reading.** Motion made by Commissioner Cruz; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Commissioner Gross. Second Reading and Second Public Hearing will be scheduled after the Department of Community Affairs (DCA) and other state and regional agencies have reviewed and approved. Jorge Gomez to transmit to the appropriate agencies.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

12:46:02 p.m.

R5D An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance, By Establishing The Classifications Of Assistant Director - CIP, Executive Assistant To The Chief, Ice Rink Manager, Parking Administration Manager, And Systems Support Manager; Amending The Titles Of The Classifications Of Application Services Manager To Application Systems Manager, CiviCall Customer Service Liaison To Customer Service Liaison, Fundraising Coordinator To Development Coordinator, Personnel Specialist To Human Resources Specialist, Recreation, Culture & Parks Director To Recreation & Parks Director, Revenue Supervisor To Revenue Manager, And Senior Project Planner To Senior Capital Projects Planner; And Recreating The Classification Of Sanitation Superintendent; Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**

(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for October 23, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. T.C. Adderly to handle.

R6 - Commission Committee Reports**2:37:59 p.m.**

R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of September 19, 2002: **1)** Budget FY 2002/03; **2)** KPMG Audit Contract Renewal; **3)** State Statute On State Employees - One Hour Per Week To Mentor; **4)** To Discuss The City Of Miami Beach And Miami Beach Redevelopment Agency's Option To Contribute \$275,000 Towards The Acquisition Of A 5,000 Sq. Ft. Space Within The Cobb Project (A/K/A The Courts Project) To Relocate The South Shore Library From Its Current Location At 225 Washington Avenue Adjacent To Washington Park; And **5)** The Potamkin Site At Alton Road And 5th Street.

ACTION: Written report submitted and report accepted. Motion made by Commissioner Smith to accept the report; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross.

1. Options to balance the FY 2002/03 General Fund Budget.

Committee Actions: The Committee moved the item to the full Commission, recommending Administration verify if the Fire Grant is a new source of funding for FY 2002/03 or if it already is included in the proposed operating budget; delay the NFPA 1710 minimum staffing implementation date by three months to February 1, 2002; bring the issue of hiring non-sworn state certified fire inspectors for the Fire Suppression Division to the table during the next collective bargaining session with the Union and continue to seek means in which to fund the proposed budget.

2. KPMG Audit Contract Renewal.

Committee Actions: The Committee moved the item to the full Commission, recommending the City renew the agreement for Auditing Services with KPMG for the Fiscal Year ending September 30, 2002 and accept the proposed fee schedule for the next four years, from 2002 through 2005.

Handout or Reference Materials:

1. Written report of the September 19, 2002 of the Finance and Citywide Projects Committee meeting.

2:37:59 p.m.

R6B Verbal Report Of The Special Joint Meeting Of The G.O. Bond Oversight Committee And Finance And Citywide Projects Committee Of September 23, 2002: **1)** Capital Budget For FY 2002/03.

ACTION: Written report submitted and report accepted. Motion made by Commissioner Smith to accept the report; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross.

1. Capital Budget for FY 2002/03

Committee Actions: The Committees moved the item to the full Commission, recommending the City of Miami Beach adopt the Fiscal Year 2002/03 Capital Budget and the 2003-2007 Capital Improvement Plan.

Handout or Reference Materials:

1. Written report of the September 23, 2002, joint meeting of the Finance and Citywide Projects Committee and the General Obligation Bond Oversight Committee

R7 - Resolutions**10:41:56 a.m.**

- R7A A Resolution Authorizing The Mayor And City Clerk To Execute A Second Supplemental Agreement Among Murano Two, Ltd., A Florida Limited Partnership, Murano Three, Ltd., A Florida Limited Partnership, The City Of Miami Beach, Florida, The Miami Beach Redevelopment Agency, And Miami Beach Marina Associates, Ltd., A Florida Limited Partnership, That Sets Forth The Construction Sequencing In Connection With The Remaining Infrastructure Improvements To Be Performed On SSDI - North. **Joint City Commission And Redevelopment Agency**
(Economic Development)

ACTION: Heard in conjunction with RDA Item 3A. Resolution No. 2002-24991 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Tim Hemstreet to handle.

10:44:07 a.m.**SUPPLEMENTAL MATERIAL (RESOLUTION)**

- R7B A Resolution Approving The First Amendment To The Parking Facility Management And Operation Agreement For The Miami Beach Marina By And Between Miami Beach Marina Associates, LTD., The City Of Miami Beach And The Miami Beach Redevelopment Agency. **Joint City Commission And Redevelopment Agency.**
(Economic Development)

ACTION: Heard in conjunction with RDA Item 3B. Resolution No. 2002-24992 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. Jorge Gomez to handle.

10:49:02 a.m.

- R7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With The Firm Wolfberg Alvarez To Provide Architectural And Engineering Services Required To Complete Phase II Of The South Pointe Right-Of-Way Improvement Project For An Amount Not To Exceed \$469,634, Comprised Of \$80,040 For Planning Services, \$264,668 For Design Services, \$8,378 For Bidding And Award Services, \$60,048 For Construction Administration Services, And \$56,500 For Reimbursable Costs, And Appropriating Said Funding From South Pointe RDA TIF Funds. **Joint City Commission And Redevelopment Agency.**

(Capital Improvement Projects)

ACTION: Heard in conjunction with RDA Item 3C. Resolution No. 2002-24993 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice vote: 7-0. Tim Hemstreet to handle.

10:38:43 a.m.

R7D A Resolution Authorizing And Approving The Proposed Uses Of The Local Law Enforcement Block Grant Funds For Program Year 2003. **10:30 A.M. Public Hearing.**
(Grants Management)

ACTION: Public Hearing held. **Resolution No. 2002-24994 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Chief De Lucca to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

11:05:07 a.m.

R7E A Resolution Establishing A Maximum Schedule Of User Rates For The Newly Renovated Bayshore Golf Course As Delineated In Attachment A; Further Providing That The City Manager Or His Designee May Establish Lesser Rates For Golf Tournaments, Promotions And Daily Play Rates When It Is Deemed Necessary For The Efficient And Financially Prudent Operation Of The Golf Course; And Authorizing The City Manager Or His Designee To Establish A Lesser Rate For Charitable Or Community Based Organizations Which In No Event Shall Be Less Than 70% Of The Approved Rack Rate Then In Effect.
(Parks & Recreation)

ACTION: Resolution No. 2002-24995 adopted as amended. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. Kevin Smith to handle.

Amendment: Commissioner Gross stated that included in the motion is delegating to the City Manager some flexibility in working with the rate structure; however, if the rates are being increased above those being recommended today, it needs to come back to the City Commission for approval.
Kevin Smith to handle.

Commissioner Smith requested the Administration to provide progress reports. Jorge Gonzalez, City Manager, stated that LTC's will be distributed on a quarterly basis or when needed, to disseminate information. **Patricia Walker to handle.**

Commissioner Gross asked about the status of changing the name of the golf course. Commissioner Cruz requested the name change be referred to the Community Affairs Committee. **Mayra Diaz Buttacavoli to handle.**

Jorge Gonzalez, City Manager, explained that the Administration is approaching the completion of the renovation of the Bayshore Golf Course. It is a spectacular, high grade, high quality golf course. The decision to put nearly \$10 million of renovations into the course were made several years ago. Discussions were held on how the City would fund the renovations and how the debt service would be paid. Based on projects it was determined that that revenue stream would support the renovations. The item before the Commission is to set the maximum rates to operate the golf course in an effective and economic manner. The rates were read into the record. Both PCM, the golf course management company, and ERA, the City's economic experts, have indicated that the rates being recommended today will fully fund the debt service and operations of this facility.

Johnny LaPonzina, President of PCM, stated that the project was turned over to them in May. The City Commission requested and voted for a world-class golf resort and that is what the City is going to get. Arthur Hills and Associates did a magnificent job designing the course. The paspalum turf is the finest turf available in the golf industry. A big part of PCM's function and job is to staff the facility and market and sell the facility to the hotels and golfing community. The key to success from an economic standpoint is the amount of rounds generated from the hotels. Miami Beach now has a product in the golf course. PCM will be doing a full marketing effort. PCM staff will be going to the hotels on a monthly basis. An incentive for the hotels is that they can now market Miami Beach as a golfing destination.

Commissioner Cruz stated that the City is responsible for the marketing budget. The City establishes the budget for the course. PCM manages the course.

Jorge Gonzalez, City Manager, stated that the agreement with PCM is similar to the agreement with SMG in managing the Convention Center and the Theater of the Performing Arts (TOPA). The Administration and the management firms (SMG and PCM) work together to establish a workable budget. The City approves the budgets.

Mayor Dermer asked how Convention Development Tax (CDT) funds can be used for funding the golf course.

Jorge Gonzalez, City Manager, explained that an amendment needs to be worked out at the State level relative to the use of CDT money. If it can be worked out, the City can shift the burden to CDT money rather than the General Fund, if revenues do not cover expenses. **Kevin Crowder to handle.**

Commissioner Garcia asked about the membership.

Johnny LaPonzina, President of PCM, stated that he recommends limiting the memberships at Bayshore to 200. What ultimately will make this course successful is a balance of resident play, membership play and hotel play. He would encourage the residents to play on the renovated Normandy course.

Commissioner Gross asked about the issue of fencing the golf course.

Jorge Gonzalez, City Manager, stated that the Neighborhoods Committee gave directions not to treat the City any differently than what was imposed upon the owners of the La Gorce Course. The design and cost estimates of a fence are being reviewed and will go through the normal review process.

Vice-Mayor Steinberg stated that if the membership demand is there, to give Miami Beach residents preference.

Johnny LaPonzina, President of PCM, stated that residents will be given priority. Non-residents would be given memberships with the understanding that they could be bumped at the end of the membership term if a Miami Beach resident applies. It was noted that membership at Bayshore entitles the member privileges at Normandy. Memberships at Normandy are good for Normandy only.

Commissioner Smith stated that the City was aware that there is a substantial risk and that the City would be obligated to pay the debt service. He requested that the Administration provide progress reports relative to debt service.

Ms. Evelyn Lowell stated that the residents' membership rate should be \$2,750 rather than \$3,000.

Ms. Linda Leibovici opposed the rates and added that the taxpayers should be given a lower rate.

She stated that perhaps \$2,500 to \$2,750 is reasonable.

Mr. Michel Leibovici opposed the limited residential T-times and stated the fee is too high.

Commissioner Gross made the following comments:

1. Changing the name of the golf course. Johnny LaPonzina, President of PCM, strongly recommends that the name be changed to Miami Beach Golf Club or any name which has Miami Beach in it. Commissioner Cruz requested this item be referred to the Community Affairs Committee.
2. Stated that he is concerned with how long Normandy will be under construction. Johnny LaPonzina, President of PCM, stated that PCM is operating Normandy under a lease paying the City rent. The City has asked to extend the relationship through next April, which means that during the height of the season, when Bayshore opens, Beach residents will play at both Normandy, at substantially lower fees, and/or Bayshore. In the summer season of 2003, when the rates are lower at Bayshore, Normandy will be closed for renovations, hopefully opening for the winter season.
3. Stated that any motion regarding this item needs to include delegating to the City Manager some flexibility in working with the rate structure; however, if the rates are being increased above those being recommended today, it needs to come back to the City Commission for approval.
4. Commented on the ERA report in the Agenda which states that they reviewed the budget and the Administrative expenses exceed by \$270,000 the projected expenses. Alberto Pozzi, Manager of the facility for PCM, stated that these are start up expenses. The budget also includes staffing which was not included by ERA 's recommendation, but which PCM feels strongly should be present at Bayshore (valet services, rangers, locker room attendants, and an accounting department).

Commissioner Gross asked if our relationship with ERA will continue to review rates.

Jorge Gonzalez, City Manager, stated that ERA is a resource and will be utilized if necessary.

10:58:50 a.m.

- R7F A Resolution Authorizing The Mayor And City Clerk To Renew A Service Agreement With BFI Waste Systems Of North America, Inc., For A Term Of One-Year Commencing November 1, 2002 And Ending On October 31, 2003, For The Collection And Disposal Of Residential Solid Waste, Yard Trash, Bulk Waste And Operation Of The City's Solid Waste Management Facility.
(Public Works)

ACTION: Resolution No. 2002-24996 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, stated that BFI will be providing the following additional services at no additional cost:

- 1) Collect yard trash from residents on both solid waste collection days;
- 2) Work with the Miami Beach Police Department to participate in the neighborhood Crime Watch program;
- 3) Implement an office paper-recycling program at City Hall.
- 4) Work with the City's Sanitation Division to locate a temporary alternate site for green waste disposal.
5. Work with the City to develop, print, and distribute additional public information material.

12:48:20 p.m.

- R7G A Resolution Approving A Settlement Between The City Of Miami Beach And PNM Corporation Authorizing The Execution Of Any And All Necessary Settlement Documents.
(City Attorney's Office)

ACTION: Resolution No. 2002-24997 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to appropriate \$450,000 from the General Fund, Undesignated Fund Balance for the full and complete settlement and release of all claims and the dismissal with prejudice of this case. Legal Department to handle.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION: No appointments made.

12:27:40 p.m.

R9B Discussion Regarding The Design Review Process.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia stated that he received a complaint from the national architect for the Pier I project relative to the Design Review process. He stated that this is an important location (southeast corner of 5th and Alton Road) that has been neglected for several years. He reviewed the plans and thought they were good plans. This is an area that needs development and this is a process that has been going on for over a year.

Gary Held, First Assistant City Attorney, stated that this matter is still pending before the Design Review Board (DRB.) Under the Land Development Regulations, the City Commission is where the decisions of the DRB are appealed. The substance of the item cannot be discussed; however, the process can be discussed.

Commissioner Garcia questions the qualifications of the staff.

Jorge Gonzalez, City Manager, stated that staff qualifications are under the purview of the Administration. Employee classifications are established and go through a Personnel Board process and the classifications are approved. He stated that the members of the staff have been with the City of Miami Beach for several years and he believes them to be qualified.

Commissioner Garcia stated that he disagrees with the Manager.

Mayor Dermer explained that the staff is under the authority of the City Manager according to the City Charter.

Commissioner Gross added that if Commissioner Garcia has suggestions as to how to improve the Design Review process, he would be happy to discuss it at a committee level. As a past chairperson for the DRB for six (6) years, he stated that the staff in the Planning Department is among the hardest working, most dedicated people in the City of Miami Beach. Did he agree with staff all the time? No. Did the DRB agree with the recommendations all the time? No. There is a process. If the process needs to be changed, then we can work together to make changes.

Commissioner Garcia stated that the process in place is not working. The current process is limiting competition. If this is the case, then there should be an investigation.

Commissioner Bower indicated that the DRB process has put Miami Beach on the map as an architectural and design jewel. The process has made Miami Beach a better place. She stated that at times there is discord between the presenter and the DRB and the DRB and staff, however, issues get worked out and there is usually a better project as a result of the process. The process is there for a reason and has worked for many years, and because certain people don't like it doesn't mean it's broken.

Commissioner Garcia stated that he has seen many people take responsibility for the resurgence of Miami Beach, but there is not a single individual or issue that brought Miami Beach back. "You can take architecture, Miami Vice, you can take a bunch of things; however, Miami Beach is in danger of going backwards." He also stated that the bureaucracy is frustrating him.

Jorge Gonzalez, City Manager, stated that he appreciates Commissioner Garcia's frustration and stated that on several occasions, both he and Commissioner Garcia have worked out problems to the satisfaction of everyone. Jorge Gonzalez, City Manager, stated that if given the opportunity to address Commissioner Garcia's concerns, this issue would also have been addressed.

Commissioner Garcia stated that the Administration is putting a lot of responsibility in a department and personnel that are not qualified to make the rulings they are making.

Jorge Gonzalez, City Manager, stated that to say generically that the people in the Planning Department are not qualified to do this work, then where have they been for the last ten-years or more? He stated that he disagrees with the generic statement. If however, from a policy perspective it is the will of this Commission to establish a minimum requirement of some sort, there is a process to follow.

Vice-Mayor Steinberg stated that he does not think it is appropriate to ridicule the staff, from this dais, without a recommendation as to what should be done and it is very destructive and is not good for the health of the City.

Commissioner Garcia recommends that an evaluation of the Design Review (DRB) be done.

Mayor Dermer stated that if there is going to be any recommendations that will be done at a later date.

City Clerk's cross-reference: Architect of record Mr. James Silvers

12:49:14 p.m.

R9C Discussion Regarding A Resolution Requesting The Miami-Dade County School Board To Paint The Exterior Walls Of The Biscayne Elementary School Main Building And That The Chain Link Fence Be Replaced With A Decorative Fence.

(Requested By Commissioner Jose Smith)

ACTION: Discussion held. Resolution No. 2002-24998 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. R. Parcher to transmit the resolution to the Miami-Dade County School Board.

Reports and Informational Items**12:50:42 p.m.**

A Status Report On Dialogue With RDP Royal Palm Crowne Plaza.
(City Manager's Office)
(Deferred From September 11, 2002)

ACTION: Written report submitted. See motion below.

Jorge Gonzalez, City Manager, stated that the letter in the Commission Agenda dated August 30, 2002, addressed to Mr. Peebles, preceded a recent meeting he had with Mr. Peebles. Mr. Peebles has made certain concessions requested by the City. He stated that he would continue to meet with Commissioner Cruz, Murray Dubbin, City Attorney, and Mr. Peebles. He reported that there is no impasse and that some progress has been made. They are still working through some issues dealing with selling the Shorecrest Hotel as condominiums, environmental claims issues and back rent issues. The last conversation was productive.

Commissioner Gross asked if the hotel was paying rent.

Jorge Gonzalez, City Manager, stated that rent has not been paid since they opened on May 15, 2002.

Commissioner Cruz stated he was surprised that the rent had not been paid since the City is showing good faith in continuing discussions. Rent since May needs to be paid if discussions are to continue.

Motion made by Vice-Mayor Steinberg to cease all discussions until the rent from the opening date of the Hotel (May 15) is brought current, and if no longer current, discussions cease until brought current again; seconded by Commissioner Gross; Voice Vote: 7-0.

Amendment by Commissioner Smith and accepted by Vice-Mayor Steinberg: If the rent is not paid in a reasonable amount of time (30 days), to instruct the Legal Department to file the necessary legal proceeding to obtain payment.

Amendment by Commissioner Gross and accepted by Vice-Mayor Steinberg: The City is still interested in discussing the prior dispute, and this action should not be construed as being antagonistic to the discussions and discussions will continue once the rent is paid.

Commissioner Bower asked that the term "reasonable time" be defined.

Jorge Gonzalez, City Manager, stated that 30-days is a reasonable amount of time.

City Clerk's Note: See Commission Agenda for a copy of the letter from Jorge Gonzalez, City Manager, to Donahue Peebles, President, RDP Royal Palm Hotel, LTD, dated August 30, 2002, RE: Royal Crowne Plaza - Response to Settlement Proposal

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
September 25, 2002**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS

10:41:56 a.m.

3. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Chairman And Secretary To Execute A Second Supplemental Agreement Among Murano Two, Ltd., A Florida Limited Partnership, Murano Three, Ltd., A Florida Limited Partnership, The City Of Miami Beach, Florida, The Miami Beach Redevelopment Agency, And Miami Beach Marina Associates, Ltd., A Florida Limited Partnership, That Sets Forth The Construction Sequencing In Connection With The Remaining Infrastructure Improvements To Be Performed On SSDI-North. **Joint City Commission And Redevelopment Agency**

ACTION: Heard in conjunction with Item R7A. Resolution No. 431-2002 adopted.
Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0.
Tim Hemstreet to handle.

10:44:07 a.m.

SUPPLEMENTAL MATERIAL (RESOLUTION)

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Approving The First Amendment To The Parking Facility Management And Operation Agreement For The Miami Beach Marina By And Between Miami Beach Marina Associates, Ltd., The City Of Miami Beach And The Miami Beach Redevelopment Agency. **Joint City Commission And Redevelopment Agency.**

ACTION: Heard in conjunction with item R7B. Resolution No. 432-2002 adopted. Motion made by Commissioner Smith; seconded by Commissioner Cruz; Voice vote: 7-0. Tim Hemstreet to handle.

10:49:02 a.m.

- C A Resolution Of The Chairman And Members Of The Board Of The Miami Beach Redevelopment Agency Approving And Authorizing The Chairman And Secretary To Execute A Professional Services Agreement With The Firm Wolfberg Alvarez To Provide Architectural And Engineering Services Required To Complete Phase II Of The South Pointe Right Of Way Improvement Project For An Amount Not To Exceed \$469,634, Comprised Of \$80,040 For Planning Services, \$264,668 For Design Services, \$8,378 For Bidding And Award Services, \$60,048 For Construction Administration Services, And \$56,500 For Reimbursable Costs, And Appropriating Said Funding From South Pointe RDA TIF Funds. **Joint City Commission And Redevelopment Agency.**

ACTION: Heard in conjunction with item R7C. Resolution No. 433-2002 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice vote: 7-0. Tim Hemstreet to handle.

10:51:15 a.m.

- D A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Appropriating \$3,279,392 In City Center Trust Fund Revenues And \$9,820,544 In South Pointe Trust Fund Revenues Towards Water, Sewer, Storm Water, Streetscape And Related Infrastructure Improvements In The City Center And South Pointe Redevelopment Areas, As Well As To Fund Program Management Fees And Construction Management Fees Associated With Said Improvements, In Accordance With Chapter 163.387(7)(a), Florida Statutes.

ACTION: Resolution No. 434-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

10:52:16 a.m.

E A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The Operating Budget For The First Three Months (75 Days) Of The Fiscal Year 2002/03, For The Operation Of The Parking Component Of The Anchor Shops And Parking At South Beach, Said Parking Component To Be Operated By Quik Park Of Florida, Inc., Until Expiration Of The Final Term Of The Garage Facility Agreement Between The Agency And Quik Park, On December 14, 2002; And, To The Extent That A New Garage Facility Agreement Has Not Been Executed By December 14, 2002, Authorizing Quik Park To Continue Operating The Parking Component At The Discretion Of The City Manager, Until Such Time.

ACTION: Resolution No. 435-2002 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Bower. Patricia Walker to appropriate the funds. Jorge Gomez to handle.

End of RDA Agenda

Meeting adjourned at 2:38:12 p.m.